

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bruce Eisen et al.
Assignee: User Trends, Inc.
Title: Electronically Distributing Promotional And Advertising Material
Based Upon Consumer Internet Usage
Serial No.: 09/379,167 Filing Date: 08/23/99
Examiner: John L. Young Group Art Unit: 3622
Docket No.: M-7729 US

Newport Beach, California

BOX NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
Washington, D. C. 20231

INTERVIEW SUMMARY

Dear Sir:

On November 15, 2002 a telephonic interview was conducted between the undersigned attorney for the Applicants and Examiner Young to review the merits of the pending Final Rejection. The Applicant, Bruce Eisen, was also telephonically present.

During the interview the cited references were discussed. The applicant pointed out the distinctions between the cited references and the claimed invention. In addition, two signed declarations submitted to provide evidence of secondary consideration in overcoming the Examiner's rejections for obviousness were discussed. The two declarations were respectively provided by Mr. Bruce Eisen (the founder of UserTrends, Inc.) and Mr. James Fedolfi (the Vice President of EContacts Corporation).

Various competing profiling methods, including Purchase Profiling, Registration Profiling, Cookie Profiling (related to the cited references) and their disadvantages when compared to UserTrends' technology were discussed. Objective evidence in support of the same was also discussed in detail, as provided in the two aforementioned declarations. These objective evidence provided reasons why UserTrends' technology is unique and superior to the other profiling solutions and technologies. These reasons included: (1) UserTrends' technology

provides email marketers with data that cannot be otherwise collected with use of cookies (2) implementation of UserTrends' technology requires substantially less resources, (3) UserTrends' technology can be implemented with ease requiring no or minimal customization, (4) integration and use of UserTrends' technology is substantially less expensive than the other competing products in the market, (5) UserTrends' technology does not burden the targeted audience to go through a lengthy or inconvenient registration process, (6) UserTrends' technology accurately profiles a particular individual's interests and preferences by focusing on a known identifier associated with that particular individual, rather than using unanimous identifying means typically associated with a computer used by the individual.

At the conclusion of the Interview, the Examiner stated that the discussed distinctions and the content of the declarations were helpful in answering some of his concerns about the patentability of the claimed subject matter, but that he would have to consider performing a supplementary search, in light of the amendments made to the claims.

Please feel free to forward any questions and comments to the undersigned Attorney for Applicants or by calling 310-789-2100.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, Washington, D.C. 20231, or via facsimile to (703) 746 7239 on the date shown below.


Attorney for Applicant(s)

January 27, 2003
Date of Signature

Respectfully submitted,



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